

APPLICANT(S): GLUKHOVSKY, Arkady, et al.
SERIAL NO.: 10/695,847
FILED: October 30, 2003
Page 6

REMARKS

Applicants respectfully request reconsideration of the above-identified application in view of the foregoing amendments and following remarks. Applicants request entry of this amendment because the amendment places the pending claims in condition for allowance or in better condition for appeal.

Status of Claims

Claims 5-7, 9, 11, 22-24, 26, 31, and 32 have been withdrawn. Claim 13 has been cancelled without prejudice. Accordingly, Claims 1-12 and 14-33 are pending in this case.

Applicants respectfully assert that the amendments to the claims add no new matter.

Claim Rejections

35 U.S.C. § 102 Rejection

In the paragraphs numbered 02-06 on page 2 of the Office Action, the Examiner has rejected Claims 1-4, 8, 19, 12-18, 20-21, 25, 27-30, and 33 under 35 U.S.C §102 as being anticipated by Denen (U.S. Patent No. 5,400,267). It is respectfully submitted that the invention as recited in the amended claims is not anticipated by Denen and consequently the rejection should be withdrawn.

Applicants' invention is generally directed to a self-contained in-vivo device comprising an internal battery, a wireless transmitter, and an operation blocker disposed therein. The operation blocker is for preventing activation of the device after a specified condition is satisfied.

It is respectfully submitted that the Denen reference alone or in combination with any other reference does not teach or describe Applicants' invention. On the contrary, the reference is devoid of any teaching to have a self-contained in-vivo device having a wireless transmitter therein and an operation blocker for preventing the activation of the device after satisfaction of a specified condition.

Thus, the Denen reference individually or collectively with any other reference does not teach or describe Applicants' claimed invention. As Claim 13 has been cancelled, the

APPLICANT(S): GLUKHOVSKY, Arkady, et al.
SERIAL NO.: 10/695,847
FILED: October 30, 2003
Page 7

rejection thereof has been rendered moot. For the foregoing reasons, Claims 1-4, 8, 10, 12, 14-18, 20-21, 25, 27-30, and 33 are patentable over the references of record and the rejection under 35 U.S.C. § 102 should be withdrawn. Such action is respectfully requested.

35 U.S.C. § 103 Rejections

In the numbered paragraphs 07- 13 bridging pages 2 and 4 of the Office Action, the Examiner has rejected Claim 19 under 35 U.S.C §103 as being unpatentable over Denen in view of Kane (U.S. Patent No. 6,204,746). It is respectfully submitted that the invention as recited in the amended claims is not made obvious by Denen in view of Kane and consequently the rejection should be withdrawn.

It is respectfully submitted that the teachings of the Kane reference do not supply the deficiencies of the Denen reference discussed above. Accordingly, the Denen reference and the Kane reference alone or in combination with any other reference does not teach or describe Applicants' invention. For the foregoing reasons, Applicants' invention is patentable over the references of record and the rejection under 35 U.S.C. § 103 is therefore respectfully requested to be withdrawn.

Conclusion


In view of the foregoing, Applicants submit that the pending claims clearly distinguish over the prior art of record and are in condition for allowance. Favorable consideration and passage to issue of the present application is therefore respectfully requested.

APPLICANT(S): GLUKHOVSKY, Arkady, et al.
SERIAL NO.: 10/695,847
FILED: October 30, 2003
Page 8

The Examiner is invited to telephone the undersigned to discuss any still outstanding matters with respect to the present application.

Please charge or credit any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,


Robert D. Schaffer
Attorney for the Applicant
Registration No. 33,775

Dated: July 10, 2006

Pearl Cohen Zedek Latzer, LLP
1500 Broadway, 12th Floor
New York, New York 10036
Direct Tel: (646) 878-0815
Office Tel: (646) 878-0800
Fax: (646) 878-0801